IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

Bail Appl..No. 4053 of 2007()

CRMP.4241/2007 of J.M.F.C.-III, PUNALUR
CRIME NO.212/2007 OF PATHANAPURAM POLICE STATION

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PETITIONER/ACCUSED

RAJEEV, S/O. RAVINDRAN,
CHAMBRAMON PUTHEN VEEDU, PIRAVANTHOOR.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM. (CRIME NO.212 OF 2007 OF
PATHANAPURAM POLICE STATION).

BY PUBLIC PROSECUTOR P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4053 of 2007

Dated this the 5th day of July 2007

O R D E R

Application for regular bail. The petitioner faces allegations in a crime registered initially inter alia under Section 354 I.P.C. Subsequently, the allegation of the offence punishable under Section 376 read with 511 I.P.C has been included. The crux of the allegations against the petitioner is that he proceeded on a motor bike after the de facto complainant, a home nurse, aged about 21 years and at an isolated place, he indecently assaulted her and attempted to commit rape on her. A passer-by came to the rescue of the girl and saved her. She lodged an F.I.statement shortly thereafter before the police. Investigation is in progress. The petitioner was arrested on 22/6/2007. The alleged incident had taken place on 15/5/2007. He continues in custody from the date of his arrest. After subsequent questioning of the de facto complainant, the allegation under Section 376 read with 511 I.P.C has been included.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The allegations are totally false. Injuries were suffered by the victim when she fell down

while running away. There was no attempt to commit rape. In these circumstances, continued detention of the petitioner is not justified. He may be enlarged on bail.

3. The learned Public Prosecutor opposes the application vehemently. The petitioner is a person who is involved as an accused in a murder case. It was transparently an attempt to outrage the modesty of the girl and an attempt to commit rape on her. At any rate, the investigating officer may be given some further time to complete the investigation, submits the learned Public Prosecutor.

4. I find merit in the opposition by the learned Public Prosecutor. I am satisfied that in a case like the instant one, the police must be given some further time to complete the investigation before the petitioner is enlarged on bail.

5. In the result, this petition is dismissed. However, I may hasten to observe that the petitioners shall be at liberty to move this court or the Sessions court for bail again at later stages of the investigation not, at any rate, prior to 16/07/2007. The police shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007